



MORGAN & MORGAN

COMPLEX LITIGATION GROUP

Mass Torts | Whistleblower | Class Action

January 8, 2016

The Honorable Charles R. Breyer
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and
Products Liability Litigation*
MDL No. 2672 CRB (JSC)

**Application of John A. Yanchunis to Serve as Lead or Liaison
Counsel (or on PSC) for Consumers Suing Individually**

Dear Judge Breyer:

In accordance with Your Honor's Pretrial Orders Nos. 1 and 2 (Docs. 2 and 336) requesting that all applications for a Lead Counsel and/or for a position on Plaintiffs' Steering Committee be filed on or before January 8, 2016, I hereby apply to be appointed to a leadership position representing the interests of the consumers who have elected to file individual (non-class) actions, and therefore have interests which are unique and separate from those of the class. To date, my firm represents 637 individual purchasers and lessees of Defendants' vehicles. The position I seek is either as Lead Counsel for the individual consumer actions or their Liaison Counsel. As I explain below, I held this position in the mid-1990s in a consumer class case filed against Prudential Insurance Company of America.

Professional Experience.

After completing a clerkship with U.S. District Judge Carl O. Bue, Jr., I began a diverse career as a trial lawyer representing contractors, engineers and architects in construction litigation, representing financial institutions in general and lender liability litigation, and representing creditors and creditors' committees in large complex bankruptcy cases. Additionally, I served as regional counsel for an insurance company in environmental and asbestos coverage litigation, and was lead counsel for five of the 42 insurance companies in one of the largest coverage cases in the country, which took several years to try to conclusion.

For the last 19 years I have concentrated my practice on class litigation. I have extensive involvement in class action litigation. I am presently co-lead counsel in *In re:*

January 8, 2016

Page 2

Home Depot, Inc., Customer Data Security Litigation, No. 1:14-md-02583-TWT (N.D. Ga.), before the Honorable Thomas W. Thrash; liaison counsel in *In re: Ford Fusion and C-Max Fuel Economy Litigation*, No. 7:13-md-2450-KMK (S.D.N.Y.), before the Honorable Kenneth M. Karas; and a member of the five-member Executive Committee in *In re: Target Corporation Customer Data Security Breach Litigation*, MDL No.: 2522 (PAM/JJK) (D. Minn.), before the Honorable Paul A. Magnuson.

I was co-lead counsel in the successful prosecution of perhaps the two largest class action cases in the United States: *Fresco v. Automotive Directions, Inc.*, No. 0:03-cv-61063-JEM (S.D. Fla.), and *Fresco v. R.L. Polk*, No. 0:07-cv-60695-JEM (S.D. Fla.), before the Honorable Jose E. Martinez. These cases were filed against the world's largest data and information brokers, Experian, R.L. Polk, Acxiom, Reed Elsevier (which owns LexisNexis) and others to protect the important privacy rights of consumers. Additionally, I was lead counsel and co-lead counsel respectively in the successful prosecution of *Joan Carsten v. University of Miami*, No. 1:14-cv-20497-KMW (S.D. Fla.), before Judge Kathleen M. Williams, and I served with my then law partner as liaison counsel for the individual cases that were transferred to the court presiding over the class litigation in *In re The Prudential Insurance Company of America Sales Practices Litigation*, No. 2:95-cv-04704-DRD (D.N.J.), before Judge Alfred M. Wolin, (retired).

I was assigned by Tom Gallagher, who at the time was the Chief Financial Officer for the state of Florida and a member of the Florida Cabinet, to the role of lead counsel for the Florida Department of Financial Services and the Florida Department of Insurance Regulation (the insurance regulators in the state of Florida) in their investigation of the insurance industry for possible antitrust activity and for other possible unlawful activity regarding the payment of undisclosed compensation and commissions to insurance brokers. The litigation and investigations yielded millions of dollars in restitution for Florida consumers and changed the way commercial insurance is sold in the state of Florida and other parts of the country.

Names and Contact Information of Judges.

Hon. Thomas W. Thrash: (404) 215-1550 Hon. Paul A. Magnuson: (651) 848-1150
 Hon. Jose E. Martinez: (305) 523-5590 Hon. Kathleen M. Williams: (305) 523-5540
 Hon. Alfred M. Wolin: (973) 645-4816
 Justice R. Fred Lewis: (Fla.S Ct.) (850) 488-0007
 Tom Gallagher (former Florida Chief Financial Officer): (850) 212-0000

Willingness to Commit to Litigation and to Work Cooperatively with Others.

I am willing and able to immediately commit to time-consuming litigation and work cooperatively with other plaintiffs' counsel and defense counsel. Over the course of my professional career, and in my community, I have demonstrated, as I will in this case, my practice of working cooperatively with counsel for both plaintiffs and defendants.



January 8, 2016

Page 3

Access to Resources.

I currently practice in Morgan & Morgan's Complex Litigation Group and lead the National Consumer Class Action section. Morgan & Morgan is the largest plaintiffs' law firm in the country with approximately 300 lawyers practicing in seven states. Because of the firm's size, the firm has the enormous resources in terms of trial lawyers, support and financial strength, necessary to undertake a leadership role in this case. Another valuable resource available to me is the four investigators employed by the firm, all of whom retired from the FBI as agents. This investigative group is led by a retired agent who held the position of Assistant Special Agent in Charge at the time of his retirement from the FBI. During his career, he led the FBI's efforts in the investigation of Enron.

Position Sought and Category of Plaintiffs.

I request to serve as Lead Counsel or Liaison Counsel for the individual cases, or if the Court deems appropriate, as a member of the PSC, representing the interests of consumers who have filed individual actions and whose cases have been or will be transferred to this court.

Additional Considerations.

I have served in a number of leadership positions that further demonstrate my leadership abilities and reputation. I was appointed by the Florida Supreme Court to the Board of Bar Examiners. I continue today to serve as a member of the Board. I was elected to the Board of Governors (BOG) of The Florida Bar. I have served on The Florida Bar's Ethics Committee, Standing Committee on Simplified Forms, where I was a member and Vice Chairperson, and the Task Force on the Unlicensed Practice of Law. I served as Chairperson and in other leadership positions on numerous committees of The Florida Bar, as well as a member of the Supreme Court of Florida's Judicial Management Council. I have also represented The Florida Bar in litigation and served as its expert on ethics in class litigation.

In the community, I served as a member of Advisory Board of the Center for Excellence in Elder Law at Stetson University College of Law, served as Vice President of the St. Vincent de Paul Society, St. Petersburg Downtown Conference, was a National Council Member and Council Representative for the Boy Scouts of America and served in the West Central Family Council of the Boy Scouts of America as Council President.

If Your Honor has any questions or requires additional information about my qualifications, I will gladly address same at the case management conference set for January 21, 2016.



January 8, 2016
Page 4

Very truly yours,

John A. Yanchunis
jyanchunis@forthepeople.com
Direct Line: (813) 275-5272

cc: All Counsel on ECF

